

No. 86-1519

Supreme Court, U.S.

FILED

MAY 13 1967

JOSEPH P. SPANIOLO, JR.  
CLERK

IN THE  
**Supreme Court of the United States**  
OCTOBER TERM, 1986

AKZO N.V., ENKA B.V., ARAMIDE MAATSCHAPPIJ v.o.f.,  
and AKZONA INCORPORATED,  
*Petitioners,*  
v.

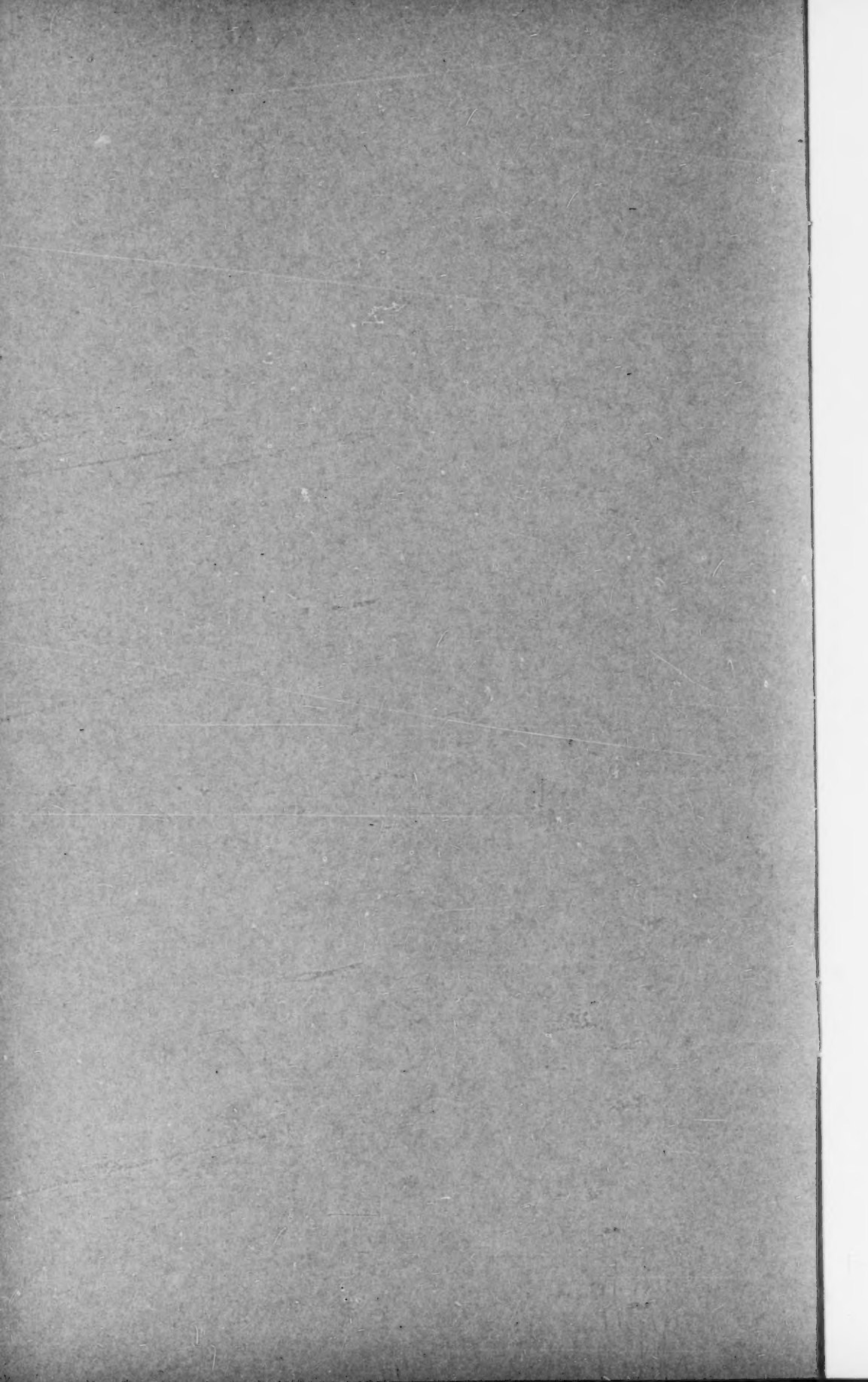
U.S. INTERNATIONAL TRADE COMMISSION and  
E.I. DU PONT DE NEMOURS & COMPANY,  
*Respondents.*

On Petition for Writ of Certiorari to the United States  
Court of Appeals for the Federal Circuit

**RESPONSE OF RESPONDENT  
E.I. DU PONT DE NEMOURS & COMPANY TO THE  
MOTION OF THE KINGDOM OF THE NETHERLANDS  
FOR LEAVE TO FILE A BRIEF AMICUS CURIAE**

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E.I. Du Pont de Nemours  
& Company*



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**RESPONSE OF RESPONDENT**

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The motion of the Kingdom of the Netherlands recites that respondent E.I. Du Pont de Nemours & Company ("Du Pont") refused to consent to the filing of a brief *amicus curiae*. A copy of Du Pont's letter setting forth the reasons for such refusal, which was not filed with the Clerk, is included as an appendix hereto for consideration by the Court in passing upon the Kingdom's motion.

As is more fully explained in that letter, Du Pont's position is that an *amicus curiae* filing by the Kingdom is inappropriate because the Kingdom's ownership of a

one-half interest in the principal petitioner renders it, at the very least, a friend of petitioners rather than of the Court. Such filing is also inexcusably untimely in view of the Kingdom's active and continued participation on petitioners' behalf in the proceedings below since August, 1985.

### CONCLUSION

The motion for leave to file a brief *amicus curiae* should be denied.

Respectfully submitted,

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APPENDIX

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May 6, 1987

BY HAND

Mr. Robert Van Nouhoys  
Economic Minister  
Netherlands Embassy  
4200 Linnean Avenue, N.W.  
Washington, D.C. 20008

Akzo, N.V. *et al.*, v. U.S. International Trade  
Commission and E.I. Du Pont de Nemours and  
Company, U.S. Supreme Court No. 86-1519

Dear Mr. Van Nouhoys:

This will confirm my advice to you by telephone this morning that E.I. Du Pont de Nemours and Company ("Du Pont") declines to consent to the filing of a brief *amicus curiae* by the Netherlands Government in support of the petition for certiorari in the above-captioned action.

The petition for certiorari was filed on March 20, 1987. Accordingly, the Netherlands Government had ample opportunity to seek Du Pont's consent to the filing of a brief at a time that would have enabled Du Pont to address such arguments as may be advanced in that brief.

The untimeliness of this request cannot be justified on the ground that the Netherlands Government needed time to study the petition for certiorari and determine its posi-

tion. To the contrary, the Netherlands Government, through a wholly owned development agency, is a 50 percent partner in Aramide Maatschappij v.o.f., the Petitioner that manufactures the aramid fiber that is subject to the limited exclusion order issued by the U.S. International Trade Commission ("ITC"). Such a direct pecuniary interest in the outcome of a controversy is generally regarded as inconsistent with the disinterested perspective expected of an *amicus curiae*.

Furthermore, the Netherlands Government has actively participated in asserting its interests in this dispute. It urged in a written submission to the ITC dated August 1, 1985, that any exclusion order issued by the ITC not embrace "derived products" containing aramid fiber manufactured by the partnership. The Netherlands Government also made representations in an effort to persuade the President to disapprove the limited exclusion order issued by the ITC.

In light of the Netherlands Government's direct commercial interest in the outcome of this proceeding, and its thorough familiarity with the case at all stages, the request for a consent to file a brief *amicus curiae* is, in Du Pont's view, inappropriate and unreasonably belated.

Very truly yours,

/s/ Daniel M. Gribbon  
DANIEL M. GRIBBON  
Counsel for E.I. Du Pont  
de Nemours and Company

